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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

|                                  |   |                                 |
|----------------------------------|---|---------------------------------|
| David Torrez,                    | ) | Case No. 1:21-cv-00671-BAK      |
| Plaintiff,                       | ) | STIPULATION AND <u>PROPOSED</u> |
| vs.                              | ) | ORDER FOR EXTENSION OF          |
|                                  | ) | TIME                            |
| Kilolo Kijakazi, Acting          | ) |                                 |
| Commissioner of Social Security, | ) |                                 |
| Defendant.                       | ) |                                 |

IT IS HEREBY STIPULATED, by and between the parties through their respective counsel of record, with the Court's approval, that Plaintiff shall have a 50-day extension of time, from September 12, 2022 to November 1, 2022, for Plaintiff to serve on defendant with Plaintiff's Motion for Summary Judgment. All other dates in the Court's Scheduling Order shall be extended accordingly.

This is Plaintiff's second request for an extension of time. In the months of May through July 21, 2022, Counsel received an influx of Social Security Certified Administrative Records (CAR). A review of the records received shows Counsel

1 has received at least 50 CARs, the majority of which were filed in June 2022.  
2 This has caused an unusually large number of cases that have merit briefs due in  
3 the months of August and September. For the weeks of September 12, 2022 and  
4 September 19, 2022, Counsel currently has 10 merit briefs, and several letter briefs  
5 and reply briefs. Additional time is needed to thoroughly brief this matter for the  
6 Court.

7 Lastly, as previously reported, Counsel for Plaintiff underwent major  
8 orthopedic surgery in March 2022, requiring significant physical therapy. This has  
9 required Plaintiff's counsel to take time off during the work week and work  
10 months since then. Although much improved, Counsel still participates in regular  
11 physical therapy two to three times per week.

12 Defendant does not oppose the requested extension. Counsel apologizes to  
13 the Defendant and Court for any inconvenience this may cause.

14  
15 Respectfully submitted,

16 Dated: September 6, 2022 PENA & BROMBERG, ATTORNEYS AT LAW

17  
18 By: /s/ Jonathan Omar Pena  
19 JONATHAN OMAR PENA  
20 Attorneys for Plaintiff

21  
22 Dated: September 6, 2022 PHILLIP A. TALBERT  
23 United States Attorney  
24 PETER K. THOMPSON  
25 Acting Regional Chief Counsel, Region IX  
26 Social Security Administration

27  
28 By: \*/s/ Margaret Lehrkind  
Margaret Lehrkind

1 Special Assistant United States Attorney  
2 Attorneys for Defendant  
3 (\*As authorized by email on September 6, 2022)

4  
5 **ORDER**

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7 Pursuant to stipulation,

8 IT IS SO ORDERED.

9 Dated: **September 10, 2022**

10 **/s/ Gary S. Austin**  
11 UNITED STATES MAGISTRATE JUDGE  
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